

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jeffery R. Raymond et al.  
Application No. : 10/825,084  
Filed : April 15, 2004  
For : INDENE DERIVATIVES AS PHARMACEUTICAL AGENTS

Examiner : Barbara P. Badio  
Art Unit : 1617  
Docket No. : 480117.412  
Date : October 11, 2007

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Commissioner for Patents:

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction Requirement mailed September 11, 2007. Reconsideration of the claimed subject matter is respectfully requested in view of the following Remarks.

REMARKS

The Examiner contends that the Markush group set forth in the claims includes both independent and distinct inventions, and patentably distinct compounds (of species) within each invention. Accordingly, the Examiner has required restriction to one of the following Groups under 35 U.S.C. 121:

- I. Claims 1-23, 27 and 28, drawn to compounds and compositions.
- II. Claims 24-26 and 29, drawn to process of using.

Applicants are required to elect one of the above Groups, upon which examination will be based. Applicants hereby elect, without traverse, Group I (Claims 1-23, 27 and 28), drawn to compounds and compositions.

Upon election of Group I, Applicants are also required to elect a single disclosed species (compound) within the elected Group for search purposes. Accordingly, Applicants elect the following species of Group I: